

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
August 22, 2002**

PRESENT: Rebecca Dysland (by telephone), Richard Hinsman, James Imhoff, Jr., Richard Kollmansberger, Harold (Hal) Lee, Nancy Gerrard (by telephone) and Maria Watts

EXCUSED: None

STAFF PRESENT: Cletus Hansen, Division Administrator; William Black, Legal Counsel; and Gina York, Program Assistant and Division of Enforcement staff were present for portions of the meeting.

GUESTS: Peter Sveum, Board Member Nominee
Richard Staff, WRA
Shawna Alt, WRA

CALL TO ORDER

The meeting was called to order at 10:35 a. m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of seven members was present.

AGENDA

MOTION: Richard Hinsman moved, seconded by Harold Lee, to adopt the agenda, as published. Motion carried unanimously.

MINUTES OF 6-27-02

MOTION: Harold Lee, moved, seconded by Richard Kollmansberger, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Clete Hansen

• **Board Roster**

Jim Imhoff announced that his plans at this time are to resign as a member of the Board following the August meeting. Richard Hinsman needs to have his e-mail address changed on the roster to "E-mail: hinsmanrealty@tds.net.

- **Meeting Dates for 2002**

Noted and accepted by the Board.

- **To-Do List**

Noted and discussed by the Board.

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules – June 4, 2002**

Noted.

- **To-Pass Folder**

The folder containing a copy of the Case Status Report, correspondence to the Board and Charles Howden's Obituary was routed to Board members. A letter from the Board to the wife of Charles Howden will be sent regarding their condolences and recognition of Mr. Howden's work.

- **Service and Budget Committee**

A copy of the August 7, 2002, DRL Service and Budget Committee's agenda, list of committee members and list of improvements and desired services was reviewed by the Board. It was noted that Jim Imhoff was appointed to be the representative for the Real Estate Board at the DRL Service and Budget Committee meetings. The next meeting of this committee will be on August 28, 2002, at 10:00am.

- **Schedule 2003 Meeting and Screening Dates**

The Board reviewed the list of proposed meeting dates for 2003 and the Board agreed to all dates listed.

LEGISLATION

ADMINISTRATIVE RULES

Update re: Legislation That Relates to Real Estate

There was no new information to provide to the Board at this meeting.

REPORT OF THE REAL ESTATE LAW REVIEW COMMITTEE

There was a lengthy discussion regarding the broker supervision rules. The Board recommended that the proposal be written identifying the designated broker to be the individual responsible for supervision in branch office locations.

MOTION: Richard Hinsman, moved, seconded by Maria Watts, to adopt the draft changes of the supervision rules prepared by William Black. Motion carried unanimously.

COUNCIL OF REAL ESTATE CURRICULUM AND EXAMINATIONS

The Board reviewed and discussed the minutes from the last Council meeting held on July 25, 2002. The broker examination has been changed. The task analysis has been done and the exam is being revised now. The salesperson examination will be changed and a task analysis is going to be done. An advisory committee had recommended that the salesperson exam be changed from a theory-based exam to a transaction-based exam.

ARELLO MEMBERSHIP

A copy of the ARELLO Real Estate Regulatory Review was provided to Board members. Also correspondence regarding costs/fees was reviewed with members and a discussion regarding allowances for attending conferences occurred.

MISCELLANEOUS CORRESPONDENCE

Nothing.

PUBLIC COMMENTS

Nothing additional over and above those already made to the Board.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

DOE prosecutors were available to present stipulations; however, the Board had no questions at this time and no oral presentations were made.

RECESS TO CLOSED SESSION

MOTION: Richard Kollmansberger moved, seconded by Richard Hinsman, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the investigation of charges against licensees. Specifically, to discuss case closings and the Case Status Report, proposed administrative warnings, proposed stipulations and a monitoring report, if the DOE monitor has a report to be made. Motion carried unanimously by a roll call vote: Nancy Gerrard - yes; Jim Imhoff-yes; Harold Lee - yes; Becky Dysland-yes; Maria Watts-yes; Richard Kollmansberger-yes and Richard Hinsman-yes.

Open Session recessed at 11:15 p. m.

Two copies of the Division of Enforcement Case Status Report were made available to Board members.

The Board deliberated on five case closings, two administrative warnings, a monitoring case and six stipulations. Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Richard Hinsman moved, seconded by Richard Kollmansberger, to adjourn the Closed Session and to reconvene in Open Session. Motion carried unanimously.

The Open Session reconvened at 11:35 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

01 REB 351	No Violation.	01 REB 009	No Violation. (and Seybold no violation)
01 REB 284	Insufficient Evidence. No Violation.	00 REB 091	Insufficient Evidence. No Violation.
01 REB 073	Closed for P1.		

ADMINISTRATIVE WARNINGS

MOTION: Harold Lee moved, seconded by Richard Hinsman, to return to DOE staff the administrative warnings (01 REB 206) currently before the Board regarding Connie L Bryant (South Beloit, IL) and Patricia C. Bellinghiere (Roscoe, IL) for more information. Motion carried unanimously.

MONITORING REPORT

STEVEN SIMONOVICH

MOTION: Harold Lee moved, seconded by Maria Watts, to grant full licensure to Steven Simonovich. Motion carried unanimously.

STIPULATIONS

SUSAN M. SCHAMM (Watertown)

MOTION: Harold Lee moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Susan M. Schamm. Motion carried unanimously.

RICHARD J. FREUND AND FREUND & ASSOCIATES, LLC (Fond Du Lac)

MOTION: Richard Kollmansberger moved, seconded by Maria Watts, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Richard J. Freund and Freund & Associates, LLC. Motion carried unanimously.

WILLIAM BERLAND (Milwaukee); ROBERT HEFFERNAN (Shorewood); HOMESTEAD REALITY INC. AND HOMESTEAD LAKES REALTYM LTD

MOTION: Harold Lee moved, seconded by Richard Hinsman, to return the proposed stipulation to the DOE prosecutor for more information. Motion carried unanimously.

ZOE K. VAN OSS (Green Bay)

MOTION: Harold Lee moved, seconded by Maria Watts, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Zoe K. Van Oss. Motion carried unanimously.

**BARBARA NYSTROM AND
NYSTROM ENTERPRISES, INC. (Elk River, MN)**

MOTION: Harold Lee moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Barbara Nystrom and Nystrom Enterprises, Inc. Motion carried unanimously.

OTHER BOARD BUSINESS

Jim Imhoff provided the Board with his resignation letter from his post as chair of the Real Estate Board.

ADJOURNMENT

The meeting adjourned at 11:55 p.m.